

## **DIVISION 7     SUPPLEMENTAL USE REGULATIONS**

### **35-370     *Accessory Use Regulations.***

- (a)     Accessory structures exceeding thirty (30) inches in height shall be located a minimum distance of five (5) feet from any side or rear property line. In residential districts, however, if an accessory structure has no sills, belt courses, cornices, buttresses, eaves, or similar projecting architectural features, then the minimum distance from any side or rear property line may be reduced to three (3) feet.
- (b)     Accessory structures on reverse corner lots shall maintain a minimum distance from the side street lot line equal to the depth of the front Setback required on the lot to the rear.
- (c)     The maximum lot coverage of all accessory structures shall not exceed fifty (50) percent of the total area of the side and rear yards, provided that in residential districts the total floor area does not exceed a maximum of twenty-five hundred (2,500) square feet.
- (d)     Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear Setback areas of lots adjacent to residential district. The total floor area of all accessory structures shall not exceed 2,500 square feet.

## 35-371 Accessory Dwellings



*Accessory (left) and Principal (right) Dwellings*

*Purpose: Affordable housing and neighborhood stability are important public objectives in the City of San Antonio. In recent years, accessory dwellings have become an important method to permit families to remain in their homes by securing rental income, while at the same time providing affordable housing for the elderly, single-person households, students, and other needy populations. Accessory dwellings are also known as "carriage houses," "granny flats," or "echo homes" (an acronym for "elder cottage housing opportunities").*

*The provisions of this section implement Policy 4i (Neighborhoods) of the Master Plan, which requires the City to permit carefully controlled accessory housing in single family residential zoning districts.*

### **(a) Generally**

- (1) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the Accessory Dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit. 'Owner occupancy' means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the Accessory Dwelling. The applicant shall provide a covenant suitable for recording with the

County Recorder, providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.

- (2) No Accessory Dwelling shall be constructed, used or occupied unless and until an Accessory Dwelling Permit is issued.
- (3)
- (4) The Accessory Dwelling shall be connected to the central water and sewer system of the Principal Structure.
- (5) The total number of occupants in the accessory dwelling unit combined shall not exceed three persons.
- (6) The Accessory Dwelling shall not exceed eight-hundred (800) square feet of gross floor area in the R-4, RM-4, R-5, RM-5, R-6, RM-6 and R-20 zoning districts, or 1,200 square feet in the RE zoning district. This restriction applies only to that portion of a structure which constitutes living area for an Accessory Dwelling.

**(b) Accessory Detached Dwelling Units**

Where permitted pursuant to § 35-311 of this Chapter, an Accessory Detached Dwelling Unit ("ADDU") shall not be established except in accordance with the following criteria:

- (1) The building footprint for the ADDU shall not exceed 40 percent (40%) of the building footprint of the principal residence. The "building footprint" shall include patios, but shall not include porches.
- (2) Total floor area of the ADDU shall not exceed 800 square feet or be less than 300 square feet.
- (3) An ADDU shall not contain more than one (1) bedroom.
- (4) Only one (1) accessory unit shall be permitted per lot.
- (5) Parking areas shall be located behind the front yard.
- (6) In order to maintain the architectural design, style, appearance and character of the main building as a single-family residence, the ADDU the ADDU shall have a roof pitch, siding and window proportions identical to that of the principal residence.

**(c) Attached Accessory Dwelling Units**

- (1) The gross floor area of the Accessory Apartment shall not exceed thirty-five percent (35%) of the total living area of the Principal Dwelling Unit.
- (2) Occupancy of the accessory apartment shall not exceed one person per two hundred (200) square feet of gross floor area.

## **35-372 Affordable Dwelling Units**

*The purpose of this Section is:*

- *to provide affordable shelter for all residents of the City;*
- *to address housing needs,*
- *to promote a full range of housing choices,*
- *to encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such affordable housing.*

*This section implements the following provisions of the Master Plan:*

- *Neighborhoods, Policy 4a: Require affordable housing providers to complement the architectural design and character of the neighborhood in which new housing is being constructed.*
- *Neighborhoods, Policy 4e: Facilitate the provision of affordable housing by the private sector.*
- *Neighborhoods, Policy 4e: Provide incentives for private housing providers who provide affordable housing designed to meet the goals set forth in the five-year housing master policy.*
- *Neighborhoods, Policy 4e: Review zoning, subdivision ordinances, building codes, and related development-control ordinances and administrative procedures, to identify and overcome barriers to affordable housing.*
- *Urban Design, Policy 1c: Support and promote mixed-use residential development that will include a mix of multi-family units and single family homes in varying sizes, types and price ranges.*

### **(a) Applicability**

#### **(1) Generally**

The provisions of this Section shall apply to any application for development approval, as set forth in subsection (2) below, which include affordable dwelling units with the maximum ratio specified in Column (B) of Table 372-1, below. For purposes of this Section, an "Affordable Dwelling Unit" means any dwelling unit restricted as Low Income Housing or Very Low Income Housing.

#### **(2) Qualifying Applications**

The provisions of this Section apply to a site, or a portion thereof, which is the subject of an application for a rezoning, Master Development Plan, or subdivision plat.

### **(b) Architectural Design and Character**

Affordable Dwelling Units shall comply with the Residential Urban Design Criteria (§ 35-372) of this Ordinance.

**(c) Density Bonus And Set-Aside Requirements.**

- (1) A Qualifying Application (as defined in subsection (a) of this Section) may be approved with an increase in the density of the site as set forth in Table 372-1. The applicant shall consent to a voluntary and enforceable condition in which the specified percentage of the developable density of the site, as specified in Column (B) of Table 372-1, is reserved as Affordable Dwelling Units as defined in subsection (a) of this Section.
- (2) Table 372-1 shall be construed as follows:
  - A. Determine the category of housing as set forth in Column (A).
  - B. Determine the required set-aside for the Application Category by referring to Column (B). For purposes of this subsection, the number of Affordable Dwelling Units required is determined by multiplying the total number of dwelling units permissible on the site as set forth in Table 310-1 by the percentage prescribed in Column (B) of Table 372-1, below.
  - C. Determine the density increase that may be awarded by referring to Column (C). For purposes of this subsection, the additional density that may be awarded is determined by multiplying the total number of dwelling units permissible for the site as set forth in Table 310-1 by the percentage prescribed in Column (C) of Table 372-1, below. The City shall not require the additional dwelling units to be restricted as to income.

*Example: A 20-acre parcel is zoned R-6 (6 dwelling units per acre in Table 310-1). 30% of the parcel is devoted to right-of-way and open space, leaving 14 acres developable for lots. The developer can subdivide the tract into 101 lots as a Conventional Subdivision (14 acres ÷ 6,000 square feet per lot). The applicant agrees to restrict 10% of the units, or 10 units (101 units x 10% (Column (B) of Table 372-1, below), as Low Income Housing. The developer may construct an additional 20 dwelling units (101 x 20% (Column (C)), or a total of 121 dwelling units.*

- (3) In some instances, developers will not be able to provide the number of dwelling units permissible after applying Table 372-1. In such cases, the applicant may reduce the number of Affordable Dwelling Units. However, the number of Affordable Dwelling Units provided in such cases must at least equal the ratio . to the additional units which result from dividing Column (B) by Column (C) and multiplying the dividend by the number of Affordable Dwelling Units required under subsection (2), above.

*Example: In the 20-acre parcel discussed in the example under subsection (2), above, the developer is able to construct only 10 additional dwelling units because of floodplain restrictions. In Table 372-1, Column (B) (10%) ÷ Column*

*(C) (20%) is 50%. 10 affordable dwelling units were required by subsection (2), above. The applicant may reduce the number of Affordable Dwelling Units provided by 50%, or by 5 units.*

(4)

**TABLE 372-1**

(A)	(B)	(C)
APPLICATION CATEGORY	SET-ASIDE	DENSITY BONUS
Low Income Housing	10%	20%
Very-low Income Housing	5%	10%

**(d) Project Phasing.**

No Qualifying Application shall be approved unless the applicant consents to a condition that building permits for the dwelling units that are not Affordable Dwelling Units (hereinafter "market rate units") shall be issued as follows:

- (1) Building permits may be issued for the first fifty percent (50%) of the market rate units prior to the construction and offering for sale or rental of any Affordable Dwelling Unit.
- (2) No building permits may be issued for the next twenty-five percent (25%) of the market rate units (i.e., from 51% up to 75% of the approved market rate units) prior to the construction and offering for sale or rental of at least twenty-five percent (25%) of the approved Affordable Dwelling Units.
- (3) No building permits may be issued for the next fifteen percent (15%) of the market rate units (i.e., from 76% up to 90% of the approved market rate units) prior to the construction and offering for sale or rental of at least seventy-five percent (75%) of the approved Affordable Dwelling Units.
- (4) No building permits may be issued for the remainder of the market rate units (i.e., from 91% to 100% of the approved market rate units) prior to the construction and offering for sale or rental of 100% percent (100%) of the approved Affordable Dwelling Units.

**(e) Enforcement.**

The City Council or its designee may enforce compliance with the standards of this Section and may impose penalties for noncompliance as set forth in Article IV of this Chapter.

**(f) Administration.**



- (1) Affordable Dwelling Units shall be offered for sale or rent exclusively to persons, households or families who meet the income criteria for "Low Income Housing" or "Very-Low Income Housing," as defined in Appendix A of this Chapter (hereinafter "Target Households").
- (2) The provisions of this Section may be administered by the Neighborhood Action Department of the City of San Antonio ("NAD"). The NAD or a Community Housing Development Organization (CHDO) shall have an exclusive right to purchase any units be offered for sale to Target Households but not purchased or rented within a time period mutually agreed upon between the Applicant and NAD or a CHDO.
- (3) Affordable dwelling unit sales prices throughout the City shall be established by NAD initially and shall be adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct the affordable dwelling unit prototype dwellings by private industry, and other information such as the area's current general market and economic conditions, provided that sales prices not include the cost of land, on-site sales commissions and marketing expenses, but may include, among other costs, builder-paid permanent mortgage placement costs and buy-down fees and closing costs except prepaid expenses required at settlement.
- (4) Affordable dwelling unit rental prices shall be established by NAD initially and shall be adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct and market the required number of affordable dwelling rental units by private industry in the area, and other information such as the area's current general market and economic conditions.
- (5) Prices for re-sales and re-rentals shall be controlled by NAD or a CHDO designated by the Applicant for a period of fifty (50) years after the initial sale or rental transaction for each affordable dwelling unit.
- (6) The sales and rental price for affordable dwelling units within a development shall be established such that the owner/applicant shall not suffer economic loss as a result of providing the required affordable dwelling units. "Economic loss" for sales units means that result when the owner or applicant of a development fails to recoup the cost of construction and certain allowances as may be determined by NAD for the affordable dwelling units, exclusive of the cost of land acquisition and costs voluntarily incurred but not authorized by this Section, upon the sale of an Affordable Dwelling Unit.

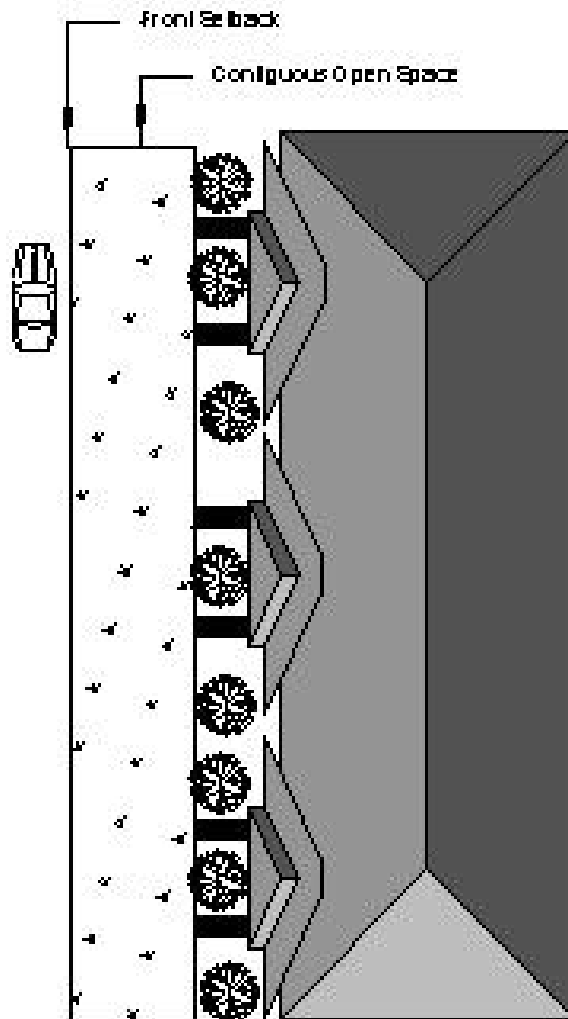
### 35-373 **Attached Dwellings (Duplexes, Rowhouses, and Townhouses, Zero-Lot Line, Cottages, and Housing for Older Persons)**

#### (a) **Applicability**

The provisions of this Section apply to any Single-Family Attached Dwelling, Duplex, Rowhouse, Townhouse, Zero-Lot Line House, Cottage, or Housing Facility for Older Persons.

#### (b) **General Criteria**

- (1) No Front Yard or Side Yard is required.
- (2) A rear yard Setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development.
- (3) On townhouse lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve foot rear yard Setback shall be required. At least six hundred (600) square feet of contiguous open area shall be provided behind the front Setback. The "contiguous open area" may consist of lawns and/or landscaped areas, but shall not include parking, driveways, or other impervious surfaces other than walkways from the front entrance to the street or parking areas.
- (4) The minimum lot depth shall be eighty (80) feet.



Contiguous open space (35-373(b)(3))



- (5) Attached dwelling units shall not be subject to the minimum lot size

**(c) Townhouse or Rowhouse Development**

- (1) Except in the TOD District, no townhouse development shall exceed a density of more than twenty (20) units per gross acre.
- (2) The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2).

**(d) Cottage Housing Developments**

The following regulations apply to Cottages and Cottage Housing Developments (CHDs). For purposes of this subsection (d), a "Cottage" means a single-family detached dwelling which meets the requirements of this Section, and a "Cottage Housing Development" means a lot, parcel, or contiguous development site on which one or more Cottages are located.

**(1) Density and minimum lot area.**

- A. In CHDs the permitted density shall be as follows:

Zoning District	Lot or Parcel Square Footage per Unit	Dwelling Units per Acre
Infill Development Zone ("IDZ")	2,900	15
Residential Mixed ("RM-4")	3,300	13
Residential Mixed ("RM-5")	3,900	11
Residential Mixed ("RM-6")	4,800	9

- B. The minimum lot area for a CHD shall be Eleven Thousand Six Hundred (11,600) square feet.
- C. On a lot to be used for a CHD, an existing detached single-family residential or duplex, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

**(2) Height limit and roof pitch.**

- A. Cottages shall not exceed eighteen (18) feet or one and one-half (1½) stories in height.
- B. The ridge of pitched roofs with a minimum slope of six to twelve may extend up to 25 feet. All parts of the roof above eighteen feet shall be pitched.

**(3) Lot coverage and floor area.**

- A. The maximum lot coverage permitted for principal and accessory structures in a CHD shall not exceed forty percent (40%).

- B. The maximum first floor or principal floor area for an individual principal structure in a CHD shall not exceed eight hundred (800) square feet.
- C. The total floor area of each cottage shall not exceed either 1.5 times the area of the principal floor area, or nine hundred seventy-five (975) square feet, whichever is less.

**(4) Yards.**

- A. Front Yards. The front yard shall be an average of ten (10) feet and at no point shall be less than five (5) feet.
- B. Rear yards. The minimum rear yard shall be ten (10) feet.
- C. Side yards. The minimum required side yard shall be five (5) feet.

**(5) Required Open Space.**

- A. In lieu of the requirements of § 35-503(b) of this Chapter, a minimum of four hundred (400) square feet per unit of common open space is required. A fee pursuant to § 35-503(c) shall not be paid in lieu of this open space.
- B. At least 50% of the cottages shall abut the common open space.
- C. All of the cottage units shall be within 60 feet walking distance of the common open space.
- D. The common open space shall have cottages abutting at least two sides.
- E. The open space shall in all other respects conform to the Parks and Open Space Standards (§ 35-503) of this Chapter.

**(6) Parking.**

- A. The amount of parking spaces shall be as provided in § 35-526(b).
- B. Parking may be in or under a structure or outside a structure, provided that:
  - 1 The parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping.
  - 2 Parking between structures is only allowed when it is located to the rear of the principal structure and is served by an alley or private driveway.
  - 3 Parking may not be located in the front yard.

Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line, which is not a street side lot line.

**(e) Housing Facilities for Older Persons**

- (1) For purposes of this subsection (e), a "Housing Facility for Older Persons" (hereinafter "HFOP") means any Apartment which complies with the provisions of 24 C.F.R. §§ 100.3 04 – 100.307.
- (2) An HFOP shall be permitted as of right:
  - A. in any RM-4, RM-5, or RM-6 zoning district subject to the requirements of this Section, or
  - B. in any MF-25, MF-33, MF-40, or MF-50 subject to the standards generally applicable to other uses within such districts.
- (3) Prior to issuance of an Application for Development Approval authorizing construction or establishment of an HFOP, the Applicant shall provide to the Director of Building Inspections:
  - A. a copy of the policies and procedures required by 24 C.F.R. § 100.306, and
  - B. a copy of the verification of occupancy required by 24 C.F.R. § 100.307.
- (4) An HFOP permitted within the RM-4, RM-5, or RM-6 zoning districts shall comply with the following:
  - A. The building shall not exceed two (2) stories in height; and
  - B. The building shall conform to the setback standards generally applicable within the zoning district; and
  - C. The building shall comply with the minimum and maximum parking standards applicable to Multi-Family Dwellings; and
  - D. The proposed development shall comply with all applicable standards of Article 5 of this Chapter.

**35-374 Bed and breakfast**

*The purpose of this section is to regulate bed and breakfast establishments within the city. Such establishments as specified by zoning district are subject to the conditions of this section.*

**(a) Applicability**

The provisions of this Section shall apply to the establishment of any Bed and Breakfast in the City.

**(b) Definitions.**

Definitions which appear below apply only to this section and shall prevail if in conflict with definitions found elsewhere within this Code.

- (1) "Distressed structure" means a structure which has been certified by the historic preservation officer as being more than fifty-one (51) percent uninhabitable or vacant, and/or in disrepair for more than two (2) years.
- (2) "Owner of the property" means a natural person directly owning at least fifty (50) percent fee simple interest in the property and who shall also occupy the premises as his place of residence.

**(c) Number of guest rooms per structure.**

The maximum number of permitted guest rooms per bed and breakfast establishment within each zoning district shall be as indicated in the following table. Any bed and breakfast establishment with more than twelve (12) guests rooms shall be considered a hotel and shall be required to comply with the zoning provisions for such uses.

Zoning District	Number of Guest Rooms
RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6	2
R-4, RM-4	3
R-4, R-5, RM-4, RM-5, MF-25, MF-33, MF-40, MF-50	5
NC, C-1, C-2, C-3, , O-1, O-2	10
D	12

**(d) Certificate of occupancy**

A certificate of occupancy shall be required for all bed and breakfast establishments.

**(e) Guest register required.**

The owner/operator shall maintain a current guest register to include names, addresses, fees collected and dates of occupancy of all guests.

**(f) Signage requirements.**

No signs shall be permitted within residential districts except for a nameplate not exceeding one (1) square foot in size and consisting of the name of the establishment only. This nameplate may be attached to the building, gatepost, gate, or other permanent fixture to allow visibility from the street.

**(g) Parking space requirements.**

One (1) off-street parking space per guest room shall be provided in addition to the required off street parking for the owner/operator. Tandem parking is allowed; however, except for the driveway, the front yard shall not be used for parking.

**(h) Cleaning requirements.**

The owner/operator shall provide clean linens and towels as necessary, as well as adequate heating, ventilation, water, and sewage disposal. The owner/operator shall maintain the outside area in a clean and sanitary manner and shall properly clean the premises and facilities during the guest's stay and after each guest has departed.

**(i) Regulations pertaining to bed and breakfast establishments within any zoning district.**

Except as provided for by subsection (3) of this section, no bed and breakfast establishments within these zoning districts may be permitted within three hundred (300) feet laterally and one hundred fifty (150) feet perpendicularly (as below) of any other property authorized for a bed and breakfast use within any zoning district. Such measurements shall be made from the property line of the proposed bed and breakfast to the nearest property line of the existing bed and breakfast. (See Figure 374-1)

Measurement for the location of a proposed bed and breakfast establishment shall be in a straight line (without regard to intervening structures or objects) in three (3) directions. The first measurement shall be from the nearest front property line of the proposed bed and breakfast establishment one hundred fifty (150) feet outward towards the street. The second and third measurements shall be from the two (2) side property lines of the proposed bed and breakfast three hundred (300) feet laterally to the side lot line(s) of adjacent properties.

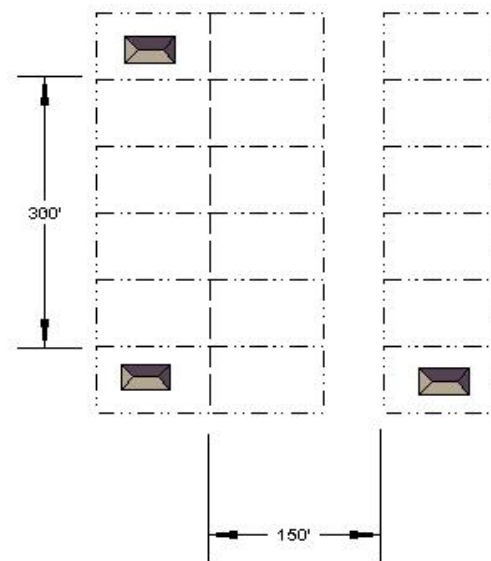
Specific Use Permit approval to operate a bed and breakfast establishment within the above measurement formula of one hundred fifty (150) feet and three hundred (300) feet of another bed and breakfast establishment as defined in subsection (b) above may be granted for the following structures:

**(1) Distressed structure.**

The applicant must demonstrate, and the city council must find:

- The restoration of an historic landmark or structure is a valuable addition to the quality and the character of the city; or
- There is proof that a bed and breakfast use is the only economically feasible way to finance the preservation of the structure; and
- The granting of a special city council approval will not adversely impact the residential quality of the neighborhood in which the structure is located.

**(2) Non-distressed structure.**



**Figure 374- 0**

The applicant must demonstrate, and the city council must find:

- The public welfare and convenience will be served, as demonstrated by subsections (1) and (2), below.
  - (1) That nearby streets will not be substantially impacted by the proposed bed and breakfast. To make this determination, the city council shall consider input from the city traffic engineer.
  - (2) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.
- The neighboring property will not be substantially injured by such proposed use.

***(j) Regulations pertaining to bed and breakfast establishments within the Residential Zoning Districts***

Bed and breakfast establishments within Residential Zoning Districts shall be managed and occupied by the owner of the property. Permission shall be granted by the director of building inspections for an on-site manager to be employed by the owner for a time not to exceed one hundred twenty days (120) of a calendar year. If circumstances require the absence of the owner for a period exceeding one hundred twenty (120) days, the director of building inspections may grant an extension for good cause.

***(k) Nonconforming rights.***

Properties which are used as bed and breakfast establishments as of May 6, 1999, as well as properties properly zoned for use as bed and breakfast establishments, may be registered as nonconforming uses at the department of building inspections and upon such registration shall continue as long as the establishment remains in operation as per Article 7 of this Chapter. Any property currently zoned for use as a bed and breakfast, but not used as such, shall within one (1) year from the May 6, 1999 begin to be used as a bed and breakfast for this subsection to apply.

## **35-375 Beauty shops and barber shops**

Beauty shops and Barber shops may be permitted in all residential zones established by this chapter subject to the following limitations, conditions and restrictions:

- (a) A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the beauty shop or barber shop is to be located shall be submitted.
- (b) The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the beauty shop or barber shop shall be permitted.
- (c) Signs advertising the beauty shop or barber shop are not permitted, but a name plate not exceeding one (1) square foot is permitted when attached flat to the main structure.



- (d) The beauty shop or barber shop shall be located within the main structure on the lot and shall not utilize more than twenty-five (25) percent of the gross floor area of the first floor. In the case of a beauty shop in a duplex, the twenty-five (25) percent gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a beauty shop in an apartment unit the board of adjustment shall determine the area to be used for said operation.
- (e) The beauty shop or barber shop shall be limited to a one (1) operator shop.
- (f) No person not residing on the premises may be employed in the operation of the beauty shop or barber shop.
- (g) Hours of operation shall be regulated by the board of adjustment and shall be specified in the minutes of the case.
- (h) That such use will not be contrary to the public interest.
- (i) Granting of the permit for a beauty shop or barber shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years, and only after notice and hearings as provided in this chapter for appeals to the board of adjustment.

### **35-376      *Day-care facilities***

The following requirements apply to registered family homes, group day-care homes, nursery schools, and day-care centers.

#### **(a)      *License and registration.***

All group daycare homes, nursery schools, and day-care centers shall have a current license issued by the Texas Department of Human Resources. Registered family homes shall maintain a current registration with the Texas Department of Human Resources.

#### **(b)      *Standards within Residential Districts***

Day-care facilities shall comply with the following conditions within residential zoning districts:

- (1) Outdoor play space shall not be permitted within the front yard area.
- (2) No signs shall be permitted except for a name plate not exceeding one (1) square foot in size and attached flat to the main structure.

#### **(c)      *Outdoor Play Areas***

The outdoor play space for day-care centers, group day-care homes, and nursery which abut or are located within a residential zoning district shall be enclosed by a six-foot solid (opaque) fence.

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### **35-377      *Family homes***

Family homes are permitted in all residential zones and the C-1 District, subject to the following conditions:

- (a) Not more than six (6) disabled persons, regardless of their legal relationship to one another, and two (2) supervisory personnel may reside in a family home at the same time.
- (b) A family home must provide to the disabled residents the following services: food and shelter, personal guidance, care, habilitation services, and supervision.
- (c) The residents of a family home may not keep, on the premise of the home or on the public rights-of-way adjacent to the home, more than one (1) motor vehicle per bedroom for the use of the residents of the home.
- (d) A family home must meet all applicable licensing requirements.
- (e) A family home may not be established within one-half (1/2) mile of a previously existing family home.
- (f) No certificate of occupancy is required for a family home.

### **35-379      *Head shops***

#### **(a)      *Spacing***

Notwithstanding any other provisions of this chapter, no head shop shall be established or maintained within one thousand (1,000) feet of any of the following uses:

- (1) Property which is temporarily or permanently zoned residential.
- (2) Churches.
- (3) Hospitals.
- (4) Community centers.
- (5) Museums.
- (6) Parks.
- (7) Schools.

**(b) Measurement of spacing**

Measurement shall be made in a straight line from the nearest boundary of property so zoned to the nearest part of the building in which such use is made, if the same commercial activity occupies an entire building; provided, that the case of a building which is divided into separate rental or ownership spaces devoted to different uses or enterprises, measurement shall be made to such space or unit of the building in which such use is made.

**(c) Registration and Amortization of Nonconforming Uses**

Any properties devoted to such use which are so located due to zoning, rezoning, or annexation may be registered as nonconforming uses at the department of building inspections within sixty (60) days from the date of becoming nonconforming with this chapter, by the owners or any other interested party and upon such registration, such use may thereafter be continued for a period not to exceed three (3) years. After termination of the three-year period, such operation and use must cease.

**35-380 Home occupations.****(a) General Requirements**

Home occupations are permitted in any dwelling unit subject to the following provisions:

- (1) The appearance of the dwelling unit shall not be altered nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, increased traffic or the emission of odors, sounds, or vibrations. The city's noise and nuisance regulations are also applicable.
- (2) No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- (3) The home occupation shall not involve the use of advertising signs on the premises or any other advertising media which calls attention to the fact that the dwelling unit is being used for a home occupation, with the exception of a telephone number listing. One (1) nameplate not exceeding one (1) square foot in area shall be allowed provided the nameplate is nonilluminated and attached flat to the dwelling unit or visible through a window.
- (4) The home occupation shall be conducted solely by resident occupants of the dwelling unit. No person not permanently residing on the premises shall be employed for hire or as a volunteer.
- (5) The home occupation shall be conducted entirely within the dwelling unit except for those necessary outdoor activities related to the care of children. No more than twenty-five (25) percent of the gross area of the dwelling unit shall be used for the home occupation. Use of accessory buildings, garages, or carports for a home occupation is prohibited.

- (6) The use of electrical or mechanical equipment that would change the fire rating of the dwelling or create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
- (7) The home occupation shall not involve the use of commercial vehicles for delivery of materials to and from the premises.
- (8) No direct on-premises selling of goods shall be allowed; however, telephone soliciting is permitted.
- (9) No certificate of occupancy is required for a home occupation.

**(b) Prohibited Uses**

The following uses are prohibited as home occupations:

- (1) Vehicle painting, service, or repair.
- (2) Barber and beauty shops; however, both beauty shops and barber shops are permitted as a Specific Use Permit.
- (3) Animal hospitals, kennels, stables, hospitals, or obedience/training schools.
- (4) Restaurants, catering, or the preparation of food for resale.
- (5) Furniture repair or upholstery.
- (6) Teaching of music, art, dance, or exercise classes to more than two (2) students at any one time.

### **35-381 Manufactured Home And Recreational Vehicle Parks**

**(a) Purpose.**

The purpose of this division is to achieve orderly development of manufactured home and recreational vehicle parks, to promote and develop the use of land to assure the best possible community environment in accordance with the master plan of the city, and to protect and promote the health, safety and general welfare. Throughout this division references and provisions relating to manufactured home parks shall also apply to recreational vehicle parks unless specifically noted.

**(b) Procedures**

See § 35-424(g) of this Chapter.

**(c) Arrangement of building and facilities.**

The site including manufactured home stands, patios, buildings and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the parcel, the shape, size and position of buildings and common facilities and with full regard to use and appearance.

**(d) Density**

- (1) A manufactured home park shall be designed with a maximum density of ten (10) units per acre.
- (2) Recreational vehicle parks may be designed with a maximum density of twenty (20) units per acre.

**(e) Required recreation areas.**

- (1) In all recreational vehicle parks there shall be one or more recreation areas which shall be accessible to all park residents. The size of the recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No recreational area shall contain less than two thousand five hundred (2,500) square feet.
- (2) Manufactured home parks shall provide parks and/or open space consistent with the requirements of § 35-504 of this Chapter.

**(f) Yards and distances between stands and buildings.**

*The objectives of yard requirements are:*

- (1) *To obtain sufficient distances between the manufactured home stand on its lot and obstructions on adjoining land to assure privacy, adequate natural light and air, and convenient access to the unit.*
- (2) *To provide for circulation around the unit for such uses of the yard spaces as are considered essential to the manufactured home.*

**(1) Determination of yards.**

Yard width shall be measured from the required manufactured home stand to the individual manufactured home lot line. At every point it shall be at least equal to the required minimum. Patios, carports and individual storage lockers shall be disregarded in determining yard widths.

**(2) Yard requirements.**

Manufactured home stands shall be separated from each manufactured home site line a distance of not less than ten (10) feet on the entry side and five (5) feet on all other sides. Detached accessory structures shall be located no nearer than three (3) feet from any required site line. In no case, however, shall the accessory structure occupy more than thirty (30) percent of the required yard area of the entry side. Accessory structures attached to a manufactured home shall be construed to be a part of that structure and shall adhere to the yard requirements of same.

**(3) Yards abutting common areas.**

The distance from any manufactured home stand to a street right-of-way shall be eight (8) feet minimum.

**(4) Distance to park boundaries.**

The distance from the line or corner of any manufactured home stand to a boundary line of the manufactured home park shall be as specified for the zoning district.

**(g) Streets.**

**(1) Generally.**

Streets shall be provided within manufactured home parks to provide convenient circulation by means of local streets and properly located collector streets. Streets within a manufactured home park shall be private streets and shall be maintained by the manufactured home park owner or licensee.

**(2) Design standards and construction specifications.**

The street system shall comply with the standards for private streets as specified in the Transportation Standards of this Chapter.

**(h) Driveways.**

The minimum width of driveways to manufactured home stands and other facilities shall be twelve (12) feet, plus any extra width necessary for maneuvering a manufactured home on a curve.

**(i) Drainage structures.**

Provision for the collection and disposal of surface and subsurface water to protect buildings and manufactured home stands, and to provide safe and convenient use of streets, lot areas and other improvements shall be required in all manufactured home parks in accordance with the Stormwater Management Standards of this Chapter.

**(j) Water supply.**

Every manufactured home park shall be provided by the park licensee with an ample supply of water under pressure and approved by the director of health. Individual water lines from service outlets to manufactured homes shall comply with the Utilities Standards of this Chapter.

**(k) Sewage disposal.**

All the sewer lines shall be connected to the public sewage system or a private sewage disposal system approved by the director of health. Individual sewage drains from manufactured homes to the park service connections shall comply with the Utilities Standards of this Chapter.

**(l) Electrical power lines.**



Electrical facilities shall comply with the rules and regulations regarding placement, installation, operation, and maintenance of electrical facilities as included in, but not limited to, the National Electrical Code and the National Electrical Safety Code.

**(m) Fire hydrants.**

Standard fire hydrants, in workable condition, shall be located within five hundred (500) feet of each manufactured home. All such fire hydrants shall be connected to not less than a six-inch diameter water line.

**(n) Floodplains.**

Every manufactured home park shall comply with the provisions of the Floodplain Standards of this Chapter, as applicable.

**(o) Recreational vehicles.**

Any area provided for the use of recreational vehicles shall comply with all provisions of this chapter except as follows:

**(1) Density**

Being consistent with good planning practice, the area so designated shall be designed within a maximum density of twenty (20) units per acre.

**(2) Distance to park boundaries**

The distance from the line or corner of any recreational vehicle stand to a boundary line of the recreational vehicle park shall be adequate to protect the residential use in the park and shall not be less than twenty-five (25) feet where abutting a public street. Yard requirements along other property lines shall be ten (10) feet. However, where the side lot line property abuts a residence district, a minimum side Yard of fifteen (15) feet shall be provided. Where the rear lot line abuts a residence district, a minimum rear Yard of twenty (20) feet shall be provided.

## **35-382 Miniwarehouses**

Miniwarehouses may be permitted in the the zoning Districts designated in the Use Matrix (Table [311-2](#)), subject to the following limitations, conditions, and restrictions:

- (a) A plan of development shall be submitted to the director of building inspections indicating location of buildings, lot area, number of storage units, type and size of signs, height of buildings, parking layout with points of ingress and egress, and location and type of visual screening and landscaping being proposed.

- (b) The development shall be exclusively limited to storage and those activities necessary for the operation, safety and maintenance of the development, in addition to those uses authorized in the applicable districts.
- (c) Within the authorized zoning districts, the development shall be permitted by right on sites not exceeding two and one-half (2½) acres unless the site is zoned L, I-1, or I-2. On sites exceeding two and one-half (2½) acres a specific use permit shall be required.
- (d) Screening shall be provided adequate to protect adjacent properties in a more restrictive district (all residential districts, NC, C-1, O-1 or O-2 districts) from the environmental impacts of the miniwarehouses such as visual blight, parking or roadway illumination, headlights, noise, blowing papers and dust, and service areas.
- (e) No advertising signs will be permitted on the property other than identifying signage of the miniwarehouse facility itself.

**35-383 Mixed Use Buildings and Live-Work Units****Live-Work Units**

(a) Mixed-Use Buildings or Live-Work Units shall be subject to the following criteria:

(A) Development Standards	(B) Mixed-Use Building	(C) Live-Work Units
Locational Criteria	<ul style="list-style-type: none"> <li>➤ Where permitted by the Use Matrix</li> <li>➤ In any PUD, MPCD, or MXD District</li> <li>➤ In any TND, TOD or Commercial Retrofit Use Pattern</li> <li>➤ In any IDZ Zone where at least one adjoining lot is devoted to non-residential uses.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Where permitted by the Use Matrix</li> <li>➤ In any PUD, MPCD, or MXD District</li> <li>➤ In any TND, TOD or Commercial Retrofit Use Pattern</li> <li>➤ In any IDZ Zone where at least one adjoining lot is devoted to non-residential uses.</li> </ul>
Types of land uses allowed	Residential, Retail, Office, Industrial	Residential, Retail, Office
Permitted density or intensity	No density restrictions apply. The building is subject to the setback and dimensional requirements of the Dimensional Matrix.	See subsection (b), below. The building is subject to the setback and dimensional requirements of the Dimensional Matrix.
Distribution of uses	By floor (see below)	By floor (see below)
• Uses permitted on first floor	Retail, Office, Industrial	Commercial or office only
• Uses permitted on second floor	Residential, Retail, Office, Industrial	Residential only
• Uses permitted above second floor	Residential, Office	Residential only

(b) The density of mixed-use buildings or live-work units shall not exceed the following, at locations where the building is listed as a permitted use in the Non-residential Use Matrix ([Table 311-2](#) – see listing under category “Dwelling” and permitted use “Dwelling – Attached Apartments”):

Maximum Density (dwelling units per gross acre)	Ratio of Residential Floor Space to Non-Residential Floor Space (square footage)	Zoning Districts
6	1:1	C-1, C-2, C-3, D, ERZD
10	1:1	C-2, C-3, D, ERZD
20	2:1	C-3, D, ERZD
50	4:1	D, ERZD

### **35-384 Nurseries**

Nurseries are permitted in all districts provided that in residential districts:

- (a) they have no on-premises sales (either retail or wholesale),
- (b) they display no advertising signs on the property,
- (c) accessory structures do not exceed a total of six hundred (600) square feet in size,
- (d) no accessory structure or greenhouse is closer than fifty (50) feet to the front property line or to any adjacent residential zone, and
- (e) there is no outdoor storage of equipment or other materials except for Nurseries permitted pursuant to § 35-384 of this Article.

### **35-385 Oversized vehicles**

#### **(a) License and inspection requirement.**

All oversized vehicles must have a current license and inspection sticker if required by the state in which the vehicle is registered.

#### **(b) Vehicle use.**

Oversized vehicles shall not be used for dwelling, sleeping, or business purposes upon any street, alley, or other public place, or upon any private property except as otherwise specifically allowed in this Code or as follows:

- (1) Within a lawfully established recreational vehicle or manufactured home park, a campground, or other like facility which is designed and equipped to provide temporary or permanent accommodations for such vehicles.
- (2) An oversized vehicle owned by and registered to a person residing outside Bexar County who is visiting San Antonio may be parked behind the restricted parking area of a property owned by or leased to the host. If the oversized vehicle is designed for occupancy, it may be occupied by the guest, provided, however, such occupancy may not exceed ten (10) days per visit, with a limit of three (3) visits per year for each vehicle. Oversized vehicles shall not discharge any litter,

sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.

**(c) *Parking in residential districts.***

The parking of an oversized vehicle within the restricted parking area or the parking so that any portion of the vehicle extends into the restricted parking area is prohibited in any of the following zoning districts except as permitted in subsection (d) below: RP, RE.

**(d) *Residential parking exceptions.***

Oversized vehicles may be parked in a driveway or other permanently maintained parking area as specified by section 19-194 of this Code within the restricted parking area in the residential districts specified in subsection (c) above under the following conditions:

**(1) *Loading.***

An oversized vehicle of any type may be temporarily parked in the restricted parking areas for such time as is actually necessary to load or unload passengers, freight, or merchandise.

**(2) *Trip Preparation.***

An oversized vehicle, other than one that is also defined as a truck-tractor, road-tractor, semi-trailer, trailer or commercial motor vehicle with three (3) or more axles, may be parked within the restricted parking area for such time as is actually necessary for trip preparation. Trip preparation time shall be limited to a maximum of forty-eight (48) hours prior to use and twenty-four (24) after use twice within any calendar month.

**(3) *Handicapped Areas.***

An oversized vehicle of any type may be parked in the restricted parking area at any time if it bears a special handicapped parking permit (decal) issued by the handicapped access officer of the City of San Antonio.

- A. A disabled person who owns an oversized vehicle may apply to the city's handicapped access officer for such a permit if the person has a mobility impairment, uses the vehicle as a primary means of transportation or livelihood, and the vehicle is specially equipped or modified to accommodate the disability.
- B. The handicapped access officer may issue such a permit after inquiring into the facts and giving the applicant an opportunity to be heard, if the officer finds that (1) without the vehicle the applicant would be substantially limited in life's activities, (2) the physical handicap is permanent or long term in duration, (3) use of the oversized vehicle is necessary to provide reasonable mobility, (4) parking within the restricted parking area facilitates mobility, and (5) the vehicle has a disabled license plate issued by the State.
- C. A permit issued by the handicapped access officer shall be valid for a period of two (2) years. Renewal of the permit shall require re-examination of the facts.

- D. If a permit is denied by the handicapped access officer, the applicant may appeal to the board of adjustment in accordance with § 35-472 of this chapter. The board shall have the authority to reverse or affirm, in whole or in part, the decision of the handicapped access officer.
- E. It shall be a violation hereof for the holder of a permit issued hereunder to transfer title to the oversized vehicle without contacting the handicapped access officer for cancellation and removing the permit from the vehicle.

**(e) *Defintions.***

In this section, the terms truck-tractor, road-tractor, semi-trailer, trailer and commercial motor vehicle shall have the same definitions as set out in Tex. Transportation Code Ann. . 502.001 (Vernon's Pam. 1996). However, such terms shall not mean "recreational vehicle" as that term is defined in Tex. Transportation Code Ann. § 522.004(b) (Vernon's Pam. 1996).

**(f) *Penalties.***

The penalty for violation of any portion of this section is hereby established so that the minimum fine shall be one hundred dollars (\$100.00) and the maximum fine shall be two thousand dollars (\$2,000.00), provided, however, in the event a defendant has once previously been convicted under this Ordinance Number 84874, the defendant, upon conviction, shall be fined an amount no less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00) and upon third and subsequent convictions, the penalty shall be a fine of not less than three hundred dollars (\$300.00) nor more than two thousand dollars (\$2,000.00).



## **35-386      *Parking Lots as a Primary Use***

*Purpose: Parking structures require unique design considerations due to the fact that they can significantly contribute to the building bulk on a site. The provisions of this Section implement the following provisions of the Master Plan:*

- *Neighborhoods, Policy 1f: Amend zoning regulations to require special City Council approval for parking facilities that displace residences.*
- *Neighborhoods, Policy 5i: Encourage the construction of parking facilities in the downtown area to promote mixed-use and commercial activity centers and to be compatible in use, scale and material with the surrounding natural and built environment.*
- *Neighborhoods, Policy 5i: Encourage placement of parking facilities in locations which will support residential development downtown.*
- *Neighborhoods, Policy 5i: Discourage development of parking garages adjacent to the River Walk, and the City's plazas and parks.*
- *Neighborhoods, Policy 5i: Focus on preserving the housing stock and integrity of neighborhoods when selecting sites for parking facilities.*
- *Neighborhoods, Policy 5i: Analyze downtown's existing and potential growth and activity centers, and strategically construct parking facilities to accommodate maximum parking availability and efficiency.*

### **(a)      *Where Permitted.***

All parking lots shall be permitted as designated in the Use Matrix (§ 35-311, Tables [311-1](#) and [311-2](#)), except as provided in subsection (b), below.

### **(b)      *Parking Lots Requiring Demolition of Dwelling Units***

Notwithstanding any provision of this Chapter to the contrary, the construction of any Parking Lot which involves the replacement, demolition, or destruction of a Dwelling Unit shall not be undertaken unless and until a Specific Use Permit is approved. The Specific Use Permit shall be approved only if the following standards are met:

- (1) The proposed conversion is located within an area classified as commercial, office, industrial, or similar classification in a land use plan adopted pursuant to § 35-420 of this Code; or
- (2) The structure proposed to be removed cannot reasonably be used or restored to habitable condition; or
- (3) The proposed parking is needed and there are no reasonable alternatives for the proposed parking lot for which the demolition is required; or
- (4) The proposed parking area will not promote residential disinvestment or promote further conversions of residences to non-residential purposes.

### **(c)      *Parking Structure Design Standards.***

**(1) Buffer.**

A type C buffer yard as required in the Landscaping Standards shall be provided in yards adjacent to a Residential Zoning District.

**(2) Frontage.**

The maximum frontage of any parking facility shall be restricted to the following unless ground floor retail uses are provided as set forth below:

D, NC, TND:	35 feet
O-1, C-1:	50 feet

Parking structures which exceed the frontage requirements as set forth above shall be designed so that a minimum of fifty (50) percent of the length of the exterior ground floor frontages, excluding vehicle entrances and exits, includes ground floor area either built out as, or convertible to, retail, commercial, or service uses. The applicable ground floor area shall extend in depth a minimum of twenty (20) feet from the exterior parking structure facade, provided that the minimum required may be averaged, with no depth less than fifteen (15) feet. The clear interior ceiling height standard for the retail/commercial or service use portion of parking structures shall be a minimum of ten (10) feet. Parking structures with frontages exceeding one hundred fifty (150) feet in length shall incorporate vertical and/or horizontal variation in Setback, material or fenestration design along the length of the applicable facade, in at least one of the following ways:

- A. Vertical Facades shall be designed to incorporate intervals of architectural variation at least every sixty (60) feet over the length of the applicable facade including one or more of the following: (1) Varying the arrangement, proportioning and/or design of garage floor openings; (2) Incorporating changes in architectural materials, including texture and color; and/or (3) Projecting forward or recessing back portions or elements of the parking structure façade.
- B. Horizontal Facades shall be designed to differentiate the ground floor from upper floors including one or more of the following: (1) Stepping back the upper floors from the ground floor parking structure facade; (2) Changing materials between the parking structure base and upper floors; and/or (3) Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.

**(3) Slopes.**

Parking decks shall be flat. At a minimum, a majority of both the ground floor and top parking decks shall be required to be flat, as opposed to continuously ramping.

**(4) Top Floor Wall.**

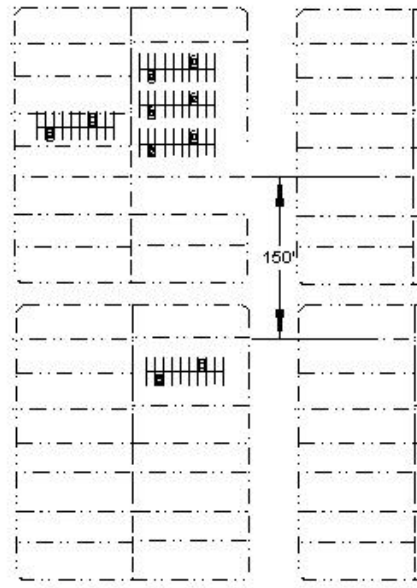
Parking structure top floor wall designs must conform to one or more of the following options:

- A. Architectural focal point: A prominent edge feature such as a glazed elevator and/or stair tower, or top floor line trellis structure.

- B. Projecting Cornice: Top floor wall line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
- C. Articulated Parapet: Top floor wall line parapets shall incorporate angled, curved or stepped detail elements.

**(d) Surface Parking Design Standards.**

- (1) Commercial surface parking areas which are the primary use and which exceed the frontage standards set forth above shall comply with one of the following:
  - A. Retail uses which comply with the Commercial Design Standards (§ 35-206(n) of this Chapter) shall be provided on at least sixty percent (60%) of their frontage.
  - B. A Class C Buffer shall be installed and maintained on at least eighty percent (80%) of the frontage.
- (2) In order to disperse parking facilities throughout commercial areas and to maintain easy walking distances between pedestrian destinations, no parking facility shall be located closer than one-hundred feet (100') to another parking facility. This distance shall be measured along the street frontage on the same side of the street.



**Parking Lot Distancing**

### **35-387 Parking Lots (Noncommercial)**

Surface parking lots for nonresidential uses may be permitted in residential zoning districts subject to the conditions listed below:

**(a) Specific Use Permit Required**

Notwithstanding any provision of this Chapter to the contrary, the construction of any Parking Lot which involves the replacement, demolition, or destruction of a Dwelling Unit shall not undertaken unless and until a Specific Use Permit is approved. All other parking lots shall be permitted as designated in the Use Matrix.

**(b) General Requirements**

The following provisions are required regardless of whether a Specific Use Permit is required pursuant to subsection (a) or the Use Matrix (Tables [311-1](#) and [311-2](#)):

- (1) The parking lot shall be used only for the noncommercial parking of private motor vehicles of customers and employees. All other uses, including but not limited to the following, are prohibited: (1) the sale, display, storage, repair, servicing, or dismantling of any vehicles, equipment, or merchandise; (2) the parking of vehicles awaiting repair or service; and (3) the parking of trucks over three-fourths (3/4) ton capacity.
- (2) Within the single-family residential districts, noncommercial parking lots may be authorized by the board of adjustment for only those uses permitted by right or which have received special approval of the city council within these districts.
- (3) The property on which the proposed parking lot is to be located shall be platted in accordance with Article 4, Division 4 of this chapter.
- (4) The parking lot shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition. The parking lot shall be kept free of weeds, litter, and debris.
- (5) Individual parking spaces shall meet the minimum size requirements of the Parking Standards of this Chapter.
- (6) No advertising signs shall be permitted on the lot other than signs indicating the owner or lessee of the lot and providing parking instructions. Sign lettering shall be limited to a maximum height of six (6) inches.
- (7) The parking lot shall not encroach within the front yard Setback and shall maintain a minimum Setback of ten (10) feet along all other perimeters adjacent to public streets or residential zones. The board of adjustment may vary the Setbacks as necessary to protect the residential neighborhood. Barriers shall be installed to prevent parking within the required Setback areas.
- (8) Parking lot driveways shall be located to minimize interference with residential traffic. If a parking lot abuts two streets of different classifications (e.g., collector versus local street), access shall be restricted to the street with the higher classification.
- (9) Unless specifically authorized by the board of adjustment, the parking lot shall not be used between seven o'clock p.m. and seven o'clock a.m. If authorized to be used at night, the lot shall be properly and adequately lighted. The standards to which the lights are affixed shall not exceed fifteen (15) feet in height and the lighting shall be confined within the boundary lines of the parking lot. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed.
- (10) Landscaping. All required front, side, and rear Setback areas shall be landscaped and attractively maintained. The minimum plant requirements per one hundred (100) linear feet of Setback area shall include two (2) canopy trees, four (4) understory trees, and twenty (20) shrubs. In addition the Setback areas shall be planted with lawn or evergreen ground cover. Plant requirements shall be applied proportionally to Setback areas of less than one hundred (100) feet in length. Existing plants which meet the plant criteria may be counted toward

satisfying the landscape requirement. In addition to the Setback areas, an additional ten (10) square feet of landscaped area shall be provided and maintained for each parking space over twenty-five (25) spaces. This additional landscaped area shall be distributed in islands and medians throughout the interior of the parking lot and shall be protected with barriers to prevent damage from vehicles. Required landscaped areas shall be provided with either an underground irrigation system or a water connection within one hundred fifty (150) feet of all landscaping.

- (11) The lot shall be provided with a masonry wall or other adequate screening not less than three (3) feet nor more than six (6) feet in height at all lot lines fronting upon or adjoining a residential district. However, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line if it determines such location provides more protection to the neighborhood. The screening or masonry wall shall in all cases surround the parking lot. On a corner lot, the wall or screening shall be erected back of the area designated by this chapter for corner visibility. Wheel guards shall be installed and maintained above ground at all such walls or screening to prevent vehicles from making contact with the walls or screening.
- (12) Application for a noncommercial parking lot shall be filed by the owner, lessee, or authorized agent with the department of building inspections. The application shall be accompanied by a site plan drawn to scale depicting the parking lot layout, proposed driveways, and all landscaping.
- (13) Granting of a Specific Use Permit for a noncommercial parking lot shall be for a definite period of time not to exceed four (4) years, and only after notice and a public hearing as provided in this article for appeals to the board of adjustment. In granting a Specific Use Permit, the board of adjustment may require the noncommercial parking lot to conform to such other conditions as the board may deem necessary to protect the character of the zoning district in which the lot is located.
- (14) Prior to actual use of a noncommercial parking lot, the owner or lessee shall obtain a certificate of occupancy from the department of building inspections to verify compliance with the conditions of the Specific Use Permit. If a certificate of occupancy is not secured within six (6) months of the date of approval, the Specific Use Permit shall be null and void and have no force or effect.
- (15) Noncommercial parking lots located in a historic district or landmark site shall conform to the regulations of Division 10, of this article and shall require approval of the parking lot plan from the board of review for historic districts and landmarks prior to construction.
- (16) Noncommercial parking lots authorized prior to April 1, 1989 shall comply with the conditions imposed at the time of their approval; however, their certificates of occupancy shall expire on the date of their approval in 1993. The director of building inspections shall notify the owner/lessee of these previously authorized lots and advise them that their Specific Use Permit must be renewed as required by subsection (a)(13) above.

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**35-388      *Radio, television antenna, and wireless communication systems*****(a)      *Applicability***

The provisions established in this Section shall apply to the development of wireless communications systems in the NC, C, O, L, I-1 and I-2 Districts.

**(b)      *Radio and Television Antenna.***

Radio and television antenna, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennae, shall be considered as permissible accessory uses in all zoning districts.

**(1)      *Height***

The height of an antennae shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade adjacent to the antenna or antenna support structure if ground-mounted or from the peak of the roof if roof-mounted. Antennae within nonresidential districts shall comply with the height and Setback requirements for the particular district. Further, All antenna and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, § 35-333 of this Article.

**(2)      *Building Permit***

A building permit from the department of building inspections shall be required for the installation of any roof-mounted antenna or antenna support structure over twelve (12) feet above the peak of the roof and any ground mounted antenna or antenna support structure over twenty-five (25) feet in height. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the Uniform Building Code. Applications for a permit shall be accompanied by the following in duplicate:

- A.      Construction drawings showing the proposed method of installation.
- B.      The manufacturer' s recommended installations, if any.
- C.      A diagram to scale showing the location of the antenna, property and Setbacks, easements, power lines, and all structures.
- D.      Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the Uniform Building Code.

**(3)      *Maintenance***

All antenna shall be maintained in good condition and in accordance with the requirements of this section. No additions or modifications shall be made to an antenna, unless it is in conformity with the Uniform Building Code and this section.



**(4) Historic Landmarks or Historic Districts**

The installation of any antenna or antenna support structure within the property of an historic landmark or in an historic district shall require the approval of the historic review board.

**(5) Uses not Permitted**

Antenna not otherwise permitted under these regulations may be permitted as a Specific Use Permit if the applicant is able to present clear and convincing evidence to the board that the effect of the regulations on the applicant precludes effective communication.

**(c) Radio and Television Antenna in Residential Zoning Districts.**

In addition to the regulations in the (b) of this Section, the following shall apply to radio and television antenna in residential districts.

Antenna in residential zoning districts shall be located, designed, constructed and maintained in accordance with the following standards.

**(1) Categories Permitted**

Antenna may be roof or ground mounted, free standing or supported by guy wires, buildings or other structures in compliance with the manufacturer's structural specifications. A ground-mounted antennae shall be any antennae with its base mounted direct]y in the ground even if such an antennae is supported or attached to the wall of a building.

**(2) Roof mounted antenna.**

- A. The antenna, including support structure, shall not extend higher than fifteen (15) feet above the peak of the roof, except a single vertical pole antennae may extend up to twenty (20) feet above the peak of the roof.
- B. The antenna or antenna support structure shall be located on the roof portion sloping away from the front of the lot if possible. Otherwise the antenna or antenna support structure shall be located on the rear half of the roof.

**(3) Ground mounted antenna.**

- A. The antenna, including support structure, shall not exceed seventy (70) feet in height
- B. The antenna or antenna support structure shall not be located in any required front yard Setback or anywhere in the front yard between the principal building and the front Setback.

**(d) Wireless communication systems.**

Wireless communication systems shall be a Specific Use Permit. Prior to filing a request for a zone change with the zoning commission the following requirements must be met:

**(1) Building Permit**

A building permit from the department of building inspections shall be required for the installation of any antenna support structure or unmanned equipment shelter developed for a wireless communication system. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the Uniform Building Code. Applications for a permit shall be accompanied by the following in duplicate:

- A. Construction drawings showing the proposed method of installation.
- B. The manufacturer's recommended installations, if any.
- C. A diagram to scale showing the location of the antenna, property and Setbacks, easements, power lines, and all structures.
- D. Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the Uniform Building Code.
- E. All antennae shall be maintained in good condition and in accordance with the requirements of this section. No additions or modifications shall be made to an antenna, unless it is in conformity with the Uniform Building Code and this section.
- F. All antennae and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, Division 11 of this article, as applicable.

No provision within this part exempts requirements for compliance with the landscape ordinance.

**(2) Spacing of antenna support structures from residential zoning districts.**

Antenna support structures shall be spaced two hundred (200) feet from all residential zoning districts, measured from the base of the antenna support structure to the nearest residential zoning district boundary. Spacing requirements for antenna support structures on property zoned residential shall not apply if the property is vacant, undeveloped, and or unplatted and is located at least two hundred (200) feet, measured from the base of the antenna support structure to the nearest residential land use.

**(3) Equipment Buildings**

The wireless communication system unmanned equipment buildings shall not have more than seven hundred fifty (750) square feet of gross floor area and shall not be more than twelve (12) feet in height.

**(4) Design in Residential Zoning Districts**

Antenna support structures developed after the adoption of these regulations located in residential zoning districts must be monopole design. The height of antenna support structures in all districts may not exceed one hundred ninety-nine (199) feet. If the City Council approves a height of an antenna support structure which exceeds one hundred ninety-nine (199) feet, the spacing of the antenna support

structure to the nearest residential district must be at a minimum equal to one hundred ten (110) percent of the height of the antenna support structure.

**(5) HDRC Review**

Antenna support structure towers are prohibited if they are: within two hundred (200) feet of the San Antonio River; or within two hundred (200) feet of a historic landmark; or within two hundred (200) feet of a historic district or River Overlay District; or within a historic district or River Overlay District.

**(e) Wireless Communications Systems Permitted by Right**

Wireless communication systems shall be a use permitted by right in all zoning districts and not subject to the requirements of § 35-311, permitted uses, if:

- (1) The requirements set forth in subsections (d)(1) through (d)(5) of this Section are met; and,
- (2) The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communication system providers or users.
- (3) No provision within this part exempts requirements for compliance with the Landscaping Standards of this Chapter.

**(f) Wireless Communication Systems in Public Right-of-Way**

Wireless communication systems shall be a use permitted by right in all zoning classifications if the land, structures, rights-of-way or easements are owned, leased or used by the City of San Antonio, San Antonio Water System, or city public service; if:

**(1) Generally**

City Public Service electrical substations and power generation plants shall be reviewed by the Historic and Design Review Commission if they are within two hundred (200) feet of the River Overlay District, or if they are two hundred (200) feet of a historic landmark, if they are within two hundred (200) feet of a historic district, or if they are within a historic district.

**(2) Spacing of antenna support structures from residential structures.**

Subject to provisions set forth in subsection (5), antenna support structures shall be spaced from all residential structures, at a minimum equal to one hundred fifteen (115) percent of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential structure. Spacing requirements for antenna support structures on property zoned residential shall not apply if the property is vacant, undeveloped, and or unplatted and is located at least two hundred (200) feet, measured from the base of the antenna support structure to the nearest residential structure. Spacing requirements for antenna support structures shall not apply to existing city public service electrical substations and power generation plants.

**(3) Co-Location**

All antenna support structures must be constructed to support a minimum of two (2) wireless communication system antenna arrays from two (2) separate wireless communication system providers

or users. Antenna support structures erected on city public service electrical substations shall not be subject to construction standards that require design and construction to support two (2) or more antenna array.

**(4) Prohibitions regarding the River Walk, Historic Landmarks, and Historic Districts**

Wireless communication towers shall be prohibited in all zoning classifications if the land, structures, rights-of-way or easements are owned, leased or used by the City of San Antonio, San Antonio Water system, or City Public Service and are within two hundred (200) feet of the River Overlay District, or are within two hundred (200) feet of a historic landmark, or are within two hundred (200) feet of a historic district, or are in a historic district.

**(5) Spacing Exemptions**

Antenna array may be attached to existing antenna support structures, transmission towers, existing poles and water tanks and towers in all zoning districts, without spacing requirements; if,

- The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole, or antenna support structure; and,
- The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array; and,
- The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other public right-of-way; and, pole appearance and function, except for antenna, are not significantly altered.

**(6) Building Permit Exemptions**

No building permit shall be required for wireless communication systems developed on city public service electrical substations and power generation plants.

**(7) Landscaping Standards**

No provision within this part exempts requirements for compliance with the Landscaping Standards of this Chapter.

## **35-390 Sanitary landfills, solid waste facilities.**

Sanitary landfills and solid waste facilities are permitted in the I-2 Heavy Industry District, subject to special approval by the city council and the following conditions:

**(a) Separation Distance**

A minimum separating distance of one hundred (100) feet shall be maintained between disposal operations and the perimeter of the site

**(b) Fencing**

A chain-link fence with a minimum height of six (6) feet, shall be installed along the perimeter of the site.

**(c) Buffering**

A thirty (30) foot greenbelt shall be established and maintained adjacent to the fence along the site perimeter. The greenbelt shall be established prior to issuance of a certificate of occupancy and shall include, as a minimum, the following number of plants per one hundred (100) linear feet of greenbelt: Five (5) canopy trees, and fifteen (15) shrubs.

Existing trees and shrubs may be counted toward satisfying the greenbelt requirement. Newly planted vegetation shall meet the minimum size standards required by section 35-3168, "Buffering techniques," and shall consist of native or naturalized low maintenance species. Once the zoning is approved by the city council, the applicant shall submit three (3) copies of a greenbelt plan, drawn to scale, to the director of parks and recreation for approval. The plan shall be prepared and signed by a registered landscape architect and shall include the following information:

- (1) Location and type of existing vegetation, if any.
- (2) General location and species of proposed canopy understory trees, and shrubs.
- (3) Description of how the greenbelt will be maintained to include provision for adequate irrigation.
- (4) Property lines.

The director of parks and recreation shall approve or disapprove the plan within twenty (20) working days of submittal. If approved, a copy of the plan shall be forwarded to the director of building inspections for use in issuing the certificate of occupancy.

**(d) Land Use Plan**

The zoning application shall be accompanied by a land use plan indicating the following information:

- Character of the surrounding land uses within one mile of the proposed facility.
- Proximity to residences and other uses (schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, sites having exceptional aesthetic quality, etc.). Give the approximate number of residences and business establishments within one mile of the proposed facility including the distances and directions to the nearest residences and businesses.
- Availability and adequacy of access roadways, to include types of surfacing, pavement widths, complete details of upgrading required, any significant roadway limitations (structures, surfacing, sight distances, alignment, dust hazards, weight limits, etc.), and estimate the number, size, and maximum weight of vehicle expected to use the site daily.

- Volume of vehicular traffic on access roads, both existing and expected, during the life of the proposed facility.
- Existing and proposed elevations of the landfill and the area within one mile of the proposed facility.

**(e) Monitoring System**

A monitoring system approved by the director of environmental management shall be installed to detect any lateral migration of methane and other decomposition gases.

### **35-391 Schools, Public**

Consistent with Texas law, the provisions of this Chapter shall not be construed to regulate the location of Public Schools. However, Public Schools shall be required to comply with the dimensional standards ([§ 35-310](#)) and the provisions of Article 5 of this Chapter to the extent not preempted by state law.

### **35-392 Sexually oriented business regulations**

These regulations are authorized by VTCA Local Government Code chapter 243.

**(a) Applicability**

These regulations shall apply to all sexually oriented businesses operating on or after the effective date of this ordinance. Further, any sexually oriented business annexed by the city after the effective date of this ordinance shall be subject to all the requirements of this section. Existing sexually oriented businesses shall refer to this section and to nonconforming use regulations (Article VII, Division 1 of this Chapter) to determine their appropriate classification.

**(b) Property uses requiring separation.**

Notwithstanding any provision of this Code to the contrary, it shall be a violation to use or occupy land or a building for the purpose of operating or maintaining a sexually oriented business within one thousand (1,000) feet from property (referenced within this section as protected property, "protected use" or "protected zone") that is described as follows:

- (1) Another Sexually Oriented Business;
- (2) Any property located within a "RP" or a Residential Zoning District, whether temporary or permanent, or devoted to a residential use, including any land zoned for one of the aforementioned residential uses which is also described as a Planned Unit Development or Traditional Neighborhood Development, but excluding airports;
- (3) Any property devoted to church, synagogue, mosque, or other religious worship facility used primarily for religious worship;

- (4) Any public or private elementary, secondary or high school; or
- (5) Any public park.

**(c) Method of measurement and survey requirements.**

**(1) Sole Tenant.**

Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot on which the sexually oriented business is located, to the nearest property line of the protected properties described in the above subsection (a), which requires separation. This method of measurement shall apply to a sexually oriented business which is the sole tenant, within one building, located on one platted lot.

**(2) Multiple Tenant.**

Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the occupied space of the sexually oriented business to the nearest property line of the protected property described in the above subsection (a) which requires separation. This method of measurement shall apply to a sexually oriented business which is a tenant within a multiple tenant building.

**(3) Easements Excluded.**

In calculating the distances described in subsection (b)(1) and (b)(2) immediately above easements (such as right-of-way, drainage and utility easements) that are zoned as, or abut, a protected property classification, shall not be considered as part of the protected property.

**(4) Surveyor.**

A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with (1) and (2) of this subsection shall be submitted to the director of building inspections for all sexually oriented businesses as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a sexually oriented business without submission of the required survey shall be null and void.

**(d) Downtown district prohibition.**

In addition to the location restrictions of subsection (a), it shall be a violation to operate, own, manage, or maintain a sexually oriented business within the "D" Downtown district.

**(e) Nonconforming rights.**

See § 35-708 of this Chapter.

**(1) Annexation.**

Any sexually oriented business annexed by the city after the effective date of this ordinance shall be subject to all the requirements of this section.

**(f) Certificate of Occupancy.**

See § 35-424(c) for procedures for issuance of a certificate of occupancy for a Sexually Oriented Business.

**(g) Violations subject to criminal and civil penalties.**

See § 35-497 of this Chapter.

**35-393 Subdivision sales offices.**

**(a) Permitted.**

Subdivision sales offices shall be permitted in any district on a temporary basis for a two-year period or until sales of ninety-five (95) percent of the houses in the subdivision have been consummated, whichever is greater.

**(b) Definition of service area.**

An official map of the addition to be served, along with the proposed office location, shall be furnished the director of building inspections at the time the permit for such office is requested.

**(c) Occupancy permit required.**

Occupancy permits shall be reviewed at six (6) month intervals by application with the director of building inspections.

**(d) Signs.**

Advertising signs, limited to four (4) in number, and restricted to identification of the land developer and to advertising of residences for sale will be permitted. Such signs shall be limited to two hundred eighty-eight (288) square feet in area and shall not be of neon or flashing type. Also, temporary signs advertising individual homes for sale will be permitted when limited to a maximum of twelve (12) square feet.

**(e) Removal of improvements.**

Any lighting, paved area, curb cuts, or signs erected or constructed for use of such office shall be removed and the property returned to complete residential character upon expiration of occupancy permit.



**(f) Construction and location.**

This operation shall be conducted for sales within the subdivision. The office shall be used for sale of houses within the applicable addition only and shall be used for no purpose other than that of conducting sales of residences or for residential use.

**35-394 Transitional homes.**

A transitional home established after November 17, 1997, shall not be located within one thousand five hundred (1,500) feet of any public/private elementary, middle or high school, public/private children's day care facility requiring a certificate of occupancy and/or public park.

**(a) Method of measurement and survey requirements.**

- (1) Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the platted property line of the lot on which the transitional home is situated to the nearest point on the property line of a public/private elementary, middle or high school, a public/private children's day care facility requiring a certificate of occupancy, and/or public park.
- (2) A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the director of building inspections for all transitional homes as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a transitional home without submission of the required survey shall be null and void.

**(b) Signage.**

All structures used as a transitional home must have an all weather lighted sign of two (2) feet by four (4) feet message area identifying the facility as a transitional home for parolees.

**(c) Building Standards.**

- (1) No more than two (2) parolees may be assigned to a single bedroom.
- (2) One bedroom with two (2) separate beds must be available twenty-four (24) hours a day for each two (2) paroles housed within the facility.
  - A bedroom housing one (1) parolee shall have a minimum of one hundred (100) square foot of usable floor space exclusive of closets or other personal storage areas. A bedroom housing two (2) parolees shall have a minimum of one hundred fifty (150) square foot of usable floor space exclusive of closets or other personal storage areas.
  - One bathroom consisting of a tub and/or shower and one toilet, and two (2) lavatories shall be provided for each four (4) parolees housed.

- A common room for leisure activities shall be provided at the rate of two hundred (200) square foot for the first two (2) parolees and an additional fifty (50) square foot for each additional two (2) parolees.
- A full kitchen must be maintained and will be subject to compliance with applicable codes and inspection by the San Antonio Metropolitan Health District.

**(d) Lot Standards.**

A rear yard area of fifty (50) square foot per parolee housed shall be provided for the occupants.

**(e) Staffing.**

The transitional home shall be staffed twenty-four (24) hours a day with one attendant per fifteen (15) parolees.

**(f) Parking.**

- All required parking shall be provided off-street.
- One space per attendant and one space per six (6) parolees shall be provided.

**(g) Outdoor Activities.**

Outdoor activities shall be limited to the hours of 6:00 a.m. until 9:30 p.m. seven (7) days a week.

**(h) Nuisance.**

The transitional home may be considered a public nuisance if any of the following occurs:

- More than two (2) police disturbance calls are recorded within a three-month period involving parolees housed at the transitional facility.
- A code violation notice goes uncorrected for more than thirty (30) days; or
- More than five (5) nuisance complaints from adjoining property owners are received and validated by the police department within a six-month period. If the director of code compliance determines that any of the three (3) provisions occur, he shall request that the city attorney take court action to abate the nuisance where appropriate under law.

**(i) Permissible tenants.**

- No tenant or parolee may occupy a transitional home in any capacity if previously convicted of a sex oriented crime, child molestation, and/or murder in any degree.

- No tenant or parolee may occupy a transitional home without first being screened for Tuberculosis. The operator of the transitional home must demonstrate that any tenant or parolee testing positive for Tuberculosis is of no danger to other tenants or parolees relative to possible transference or infection of said residents.

**(j) Violations.**

Violation of any provision of this ordinance is a Class C misdemeanor and upon conviction violators are subject to the provisions of the City Code of the City of San Antonio, Texas, entitled "Unified Development Code Section 55-1024."

If the provisions herein are in conflict with preemptive state or federal law then the transitional home shall be required to comply with the applicable state or federal law rather than those provisions of this section to the extent of such conflict.

### **35-395 Temporary uses.**

**(a) General.**

The director of building inspections may authorize the temporary use of a structure or property for a purpose that is not specifically permitted by the regulations prescribed for the zoning district in which the property is located, provided that such use does not involve the erection of a substantial structure or substantial alteration of the premises and is in accordance with the regulations specified below. The director may require that traffic control and/or parking plans be approved by the police and public works departments as a prerequisite for approving any temporary use. A certificate of occupancy for a temporary use may be granted for the period of time indicated, subject to such conditions as will safeguard the public health, safety, convenience, and welfare. All temporary uses shall comply with the noise limitations set out in Chapter 21 of the City Code.

**(b) Promotional circuses and carnivals.**

These uses may be permitted in nonresidential districts in accordance with the following criteria:

- (1) No structure, tent, equipment, or mechanical ride shall be located within five hundred (500) feet of property used for residential purposes.
- (2) The site shall be a minimum of one (1) acre in size.
- (3) The maximum permitted time period shall be two (2) weeks.
- (4) The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.
- (5) The circus or carnival shall be in conjunction with an existing use on the same property.

**(c) Christmas tree sales.**

This use is permitted within nonresidential zoning districts for a period not to exceed forty-five (45) days. A site plan shall be submitted to the director of building inspections to ensure that Setbacks and clear vision area requirements are met.

**(d) Construction offices and equipment sheds.**

These uses may be permitted in any zoning district incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed within ten (10) days after completion of the construction project.

**(e) Tents.**

Tents used for special events may be permitted for a period not to exceed one (1) week.

**(f) Oversized vehicles.**

The parking of oversized vehicles within nonresidential districts may be permitted for a maximum of fifteen (15) days in conjunction with conventions, trade shows, or other similar events sponsored by organized groups with the prior written approval of the director of building inspections. If the police chief, director of public works, and director of health determine that no health, safety, or traffic hazard or other potential nuisance will be created, approval by the director shall be granted. Oversized vehicles shall not discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.